

Permitting consolidation of broadcast media ownership, and broadcast ownership by entities and organizations controlling other forms of media, is not in the public interest. The following ill effects inevitably follow: (1) decline in variety of programing, as entities decline to broadcast content which competes with content in which an ownership or production interest is held, (2) decline in variety of programing, as entities decline to broadcast material which competes with material with which discounted licensing fees and exclusive dealign arangements exist, (3) decline in viewpoints in news presentation due to (1) and (2) above as they apply to news programming, and (4) decline in viewpoints in news presentation as single entities decline to promote programming which reflects views at odds with either (a) the more successful programing, (b) the programing representing the view of the now-so-many-fewer owners, or (c) the views thought to best sell advertising. The consequences of permitting the avanues of American media to be further consolidated into fewer hands subject to less oversight are real, and are dire. One should seriously ask what, besides increasing the opportunity for repression of minority viewpoints and heightening the oligarchical nature of the media marketplace, is the intended effect of further loosening of ownership restriction. A consolidated few producers/operators with little local connection are not subject to serious competition from opposing views in the way as operators facing numerous, diverse, and independent operators and content producers. Magnifying the risk of epidemic antitrust activity in controlling news and programming and in permitting the manipulation of the public's avenues of receiving information is not worth any theoretical gains ostensibly associated with the elimination of current market protections.

A federal program of deregulation, if implemented, should expressly permit state regulation to protect local information markets. Forbidding states' regulation to protect the public from the ills of an oligopolistic media marketplace would be a disaster. Just as insurance is well-regulated by states and people engage in interstate commerce with security in the face of reliably enforceable insurance under state law, it is possible to implement protection of the public media marketplace through innovative regulation at the state level. Should the federal government opt out of certain aspects of media marketplace oversight, it should do so only with the express protection of state regulation free from "commerce clause" attacks on such regulation.